

First Named Inventor: Steven J. Poll

Application No.: 09/803,453

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REMARKS

This Amendment is in response to the Office Action mailed on April 30, 2004. In accordance with 37 CFR 1.175, applicant has submitted a supplemental declaration to overcome the rejection of claims 1-40 under 35 U.S.C. 251.

The amendments to the claims is now in compliance. The above amendment deletes misplaced claims 4, 21, and 28 and presents the amendments to claim 4, 21, and 28 in proper form. The above amendment presents the amendments to claims 29, 34, 37, 39, and 40 as they currently stand in comparison to the claims as part of the reissue application as filed.

Claim 29 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 29 now further requires "v-shape," "with a cradle at an upper end and having a lower end," and "at a position above a bottom edge of the transom."

Claim 34 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 34 now further requires "a rigid tie down member," "v-shape," "an upper," "lower," "and located above a bottom edge of the transom," and "connectable to opposite ends of the tie down member." As compared to claim 34 as part of the reissue application as filed, "a first" and "second" have been omitted.

Claim 37 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 37 now further requires "v-shape," "upper," "lower," and "about an axis located above a bottom edge of the transom." As compared to claim 37 as part of the reissue application as filed, "a first" and "second" have been omitted.

Claim 39 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 39 now further requires "a rigid tie down member," "v-shape," "lower," "an upper," "about a pivotal axis located above a bottom edge of the transom so that" "lower," "flexible," and "connectable to the rigid tie down member." As compared to claim 39 as part of the reissue application as filed, "first," "a second," "such that," and "first" have been omitted.

Claim 40 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 40 now further requires "a rigid tie down member," "v-shape,"

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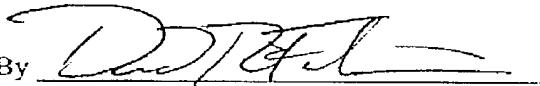
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"lower," "an upper," "about a pivotal axis located above a bottom edge of the transom so that," "lower," and "a flexible tie down element connectable to the rigid tie down member, which passes behind the motor for securing the drive shaft housing in place against the cradle when the motor is in an up position." As compared to claim 40 as part of the reissue application as filed, "first," "a second," "such that," and "first" have been omitted.

Applicant believes that the above amendment and response places the application in allowable form and respectfully requests a Notice of Allowance.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 7/12/04By 

David R. Fairbairn, Reg. No. 26,047
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

DRF:TDA